

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

Case No. 4:10-cv-00189-ODS

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

**MOTION TO EXTEND DEADLINE FOR FILING
JOINT SUGGESTIONS IN OPPOSITION TO DEFENDANTS' MOTIONS
TO DISMISS FOR LACK OF PERSONAL JURISDICITON**

Plaintiffs respectfully move the Court for an Order extending the deadline by which Plaintiffs must file their Joint Suggestions in Opposition to Defendants' four (4) pending motions to dismiss for lack of personal jurisdiction (Doc. 67 and Doc. 68, Part I; Doc. 75, Ex.'s 13, 14, 15) by 4 calendar (2 business) days, through Tuesday, November 23, 2010 and the deadline by which Defendants must file any Replies to the Joint Suggestions to December 21, 2010 on the grounds that good cause exists for such an extension.

1. Various defendants have filed motions to dismiss on four separate grounds: 1) lack of standing (Doc. 67 and Doc. 68, Part II; Doc. 75, Ex.'s 7-10); 2) preemption (Doc. 75, Ex.'s 16-17); 3) statute of limitations (Doc. 67 and Doc. 68, Part III); and 4) lack of personal jurisdiction (Doc. 67 and Doc. 68, Part I; Doc. 75, Ex.'s 13-15).

2. The current deadline for Plaintiffs to file their Suggestions in Opposition to each of the above-referenced motions to dismiss is November 19, 2010.

3. Plaintiffs will file Joint Suggestions in Opposition to the five motions to dismiss for lack of standing (Doc 67 and Doc. 68, Part II; Doc. 75, Ex.'s 7-10) by November 19, 2010.

4. Plaintiffs will file Suggestions in Opposition to the two motions to dismiss based on preemption (Doc. 75, Ex.'s 16-17) by November 19, 2010.

5. Plaintiffs will file Suggestions in Opposition to the portion of the Motion to Dismiss filed by Credit Suisse First Boston Securities Corporation ("CSFB Securities") based on the statute of limitations (Doc. 67 and Doc. 68, Part III) by November 19, 2010.

6. In addition, Plaintiffs are faced with **four (4) separate motions** to dismiss filed by **13 Defendants** (the "Moving Defendants"). The Motion and Suggestions filed by Empire Funding Home Loan Owner Trust 1998-1 and Defendants US Bank National Association and Wilmington Trust Company as the co-trustees of the Trust 1998-1, are **23 pages** long. (Doc. 75, Ex. 13). The Motion and Suggestions of Defendants Preferred Mortgage Trust 1996-1, Preferred Mortgage Trust 1996-2, Preferred Credit Trust 1997-1 (the "Preferred Trusts"), and Deutsche Bank Trust Company Americas (f/k/a Bankers Trust Company) in its capacity as trustee of the Preferred Trusts are **25 pages** long. (Doc. 75, Ex. 15). The Motion of Defendants Credit-Based Asset Servicing and Securitization, LLC, IMH Assets Corporation, IMPAC CMB Trust Services 2003-2005, LaSalle National Bank and Litton Loan Servicing, L.P. is only **2 pages** long, and merely incorporates the Suggestions filed by Defendant Empire Trust 1998-1 and its trustees (Doc. 75, Ex. 14), but Plaintiffs must still describe and address the involvement of, and direct their arguments toward the Missouri activities and contacts of these five additional defendants. In addition to these motions, Defendant Credit Suisse First Boston Mortgage Securities has filed a separate motion to dismiss and devotes approximately **24 pages** to the issue of personal jurisdiction. (Doc. 67 and Doc. 68, Part I).

7. The court has previously granted Plaintiffs permission to file up to a 75-page set of joint suggestions in opposition to address the four (4) separate motions filed by thirteen (13) defendants with respect to the alleged lack of personal jurisdiction. (Doc. 91). The response requires an extensive review of previous discovery responses, loan documents and other documents necessary to prepare the response. Further Plaintiffs have prepared or are in the process of preparing multiple affidavits to support the briefing. Given the complexity of the issues and the arguments made, the number of loan and investment transactions and exhibits involved, and the number of defendants and discovery responses relevant to the motions, Plaintiffs need an additional 4 calendar (2 business) days to complete their opposition to the motions to dismiss based on lack of personal jurisdiction until Tuesday, November 23, 2010.

8. Furthermore, in addition to the briefing in this case, Plaintiffs' counsel is concurrently preparing oppositions to similar motions to dismiss in a similar putative class action, *Thomas v. U.S. Bank, N.A., N.D., et al.*, (Case No. 04CV83549-01), which is pending in the Circuit Court of Platte County, Missouri. Plaintiffs' counsel is also in the process of preparing a motion to remand in another similar putative class action, *Wong v. Bann-Cor Mortgage, et al.*, Case No. 4:10-cv-01038, which is currently pending in the District Court for the Western District of Missouri.

9. Plaintiffs have apprised counsel for Defendants of this motion and request for additional time via e-mail today. Plaintiffs have filed this motion before receiving any responses given the impending deadline for the subject Suggestions in Opposition and the large number of defendants to be heard from.

10. This motion for additional time will not unfairly prejudice any Moving or Non-Moving Defendant.

11. The proposed extensions of 4 calendar (2 business) days will not adversely affect any of the other scheduling or trial deadlines.

12. The instant request to extend the stated deadline is made in good faith and not for the purpose of delay.

WHEREFORE, Plaintiffs respectfully request the Court to find that cause has been shown and to enter an Order extending the deadline by which Plaintiffs must file their Suggestions in Opposition to the pending motions to dismiss based on lack of personal jurisdiction (Doc. 67 and Doc. 68, Part I; Doc. 75, Ex.'s 13, 14, 15) to November 23, 2010 and the deadline by which Defendants must file any Replies thereto to December 21, 2010.

Dated: November 17, 2010

Respectfully Submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By /s/ Kip D. Richards

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the Clerk of the United States District Court for the Western District of Missouri, Western Division, this 17th day of November 2010, with notice of case activity to be generated and sent electronically to all designated persons.

/s/ Kip D. Richards